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CENTER FOR DEMOCRACY
& TECHNOLOGY

1634 Eye Street, NW
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November 24, 2010

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th St. SW
Washington, DC 20554

Filed Electronically

RE: Notice of *ex parte* presentation in:

GN Docket No. 09-191
WC Docket No. 07-52
GN Docket 10-127

Dear Ms. Dortch:

On Tuesday, November 23, Leslie Harris, John Morris and Andrew McDiarmid of the Center for Democracy and Technology (CDT) spoke by telephone with Zachary Katz, legal advisor to Chairman Genachowski.

Following up Leslie Harris's participation in a larger group meeting with the Chairman and others on November 22 (which has already been the subject of a separate *ex parte* filing), we discussed on the telephone call the possibility, as reported in the news media, that the Commission might adopt open Internet rules that would be based upon the legislative framework suggested earlier this fall by House Energy and Commerce Committee Chairman Henry Waxman to preserve the open Internet.

The views CDT expressed regarding possible Commission action reflected the positions CDT has taken in its written comments in those proceedings. CDT urged (a) that there be a strong presumption against paid prioritization, (b) that specialized services not be permitted to be a loophole in Internet neutrality rules, (c) that there was support in the record for the definition of broadband Internet access set as out in the Commissions NPRM in these matters, and (d) that rules should apply to both wireline and wireless Internet access. We also argued that, in terms of innovative new functionality, the line between "web pages" and "applications" was at best blurred, and that there should not be any distinction in the protection that both receive under any neutrality rules.

Sincerely,

/s/

John B. Morris, Jr.
General Counsel

cc: Zachary Katz

